

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ANTONIO CHAVEZ-JUAREZ,

| Case No. 3:17-cv-00192-MMD-WGC

**Petitioner,**

## ORDER

v.

**NEVADA, STATE OF, et al.,**

## Respondents.

13 Petitioner Antonio Chavez-Juarez has submitted a *pro se* petition for writ of habeas  
14 corpus pursuant to 28 U.S.C. § 2254 and has now paid the filing fee (ECF Nos. 1-1, 4).  
15 The Court has reviewed the petition pursuant to Habeas Rule 4, and it will be docketed  
16 and served on respondents.

17 A petition for federal habeas corpus should include all claims for relief of which  
18 petitioner is aware. If petitioner fails to include such a claim in his petition, he may be  
19 forever barred from seeking federal habeas relief upon that claim. See 28 U.S.C.  
20 §2254(b) (successive petitions). If petitioner is aware of any claim not included in his  
21 petition, he should notify the court of that as soon as possible, perhaps by means of a  
22 motion to amend his petition to add the claim.

Petitioner has also submitted a motion for appointment of counsel (ECF No. 1-2).  
There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir. 1984), cert. denied, 469 U.S. 838 (1984).

1 However, counsel must be appointed if the complexities of the case are such that denial  
2 of counsel would amount to a denial of due process, and where the petitioner is a person  
3 of such limited education as to be incapable of fairly presenting his claims. See *Chaney*,  
4 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir.1970). Here,  
5 Chavez-Juarez is serving multiple sentences that effectively amount to life in prison  
6 without the possibility of parole, and some of the legal issues he wishes to raise may be  
7 complex. Therefore, Chavez-Juarez's motion for counsel is granted.

8 It is therefore ordered that the Clerk file and electronically serve the petition (ECF  
9 No. 1-1) on the respondents.

10 It is further ordered that the Clerk add Adam Paul Laxalt, Nevada Attorney General,  
11 as counsel for respondents.

12 It is further ordered that the Clerk detach petitioner's motion for appointment of  
13 counsel (ECF No. 1-2).

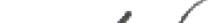
14 It is further ordered that petitioner's motion for appointment of counsel is granted.

15 It is further ordered that the Federal Public Defender for the District of Nevada  
16 (“FPD”) is appointed to represent petitioner.

17 It is further ordered that the Clerk electronically serve the FPD a copy of this order,  
18 together with a copy of the petition for writ of habeas corpus (ECF No. 1-1). The FPD  
19 has thirty (30) days from the date of entry of this order to file a notice of appearance or to  
20 indicate to the Court its inability to represent petitioner in these proceedings.

21 It is further ordered that after counsel has appeared for petitioner in this case, the  
22 Court will issue a scheduling order, which will, among other things, set a deadline for the  
23 filing of an amended petition.

24 DATED this 20<sup>th</sup> day of June 2018.



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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE